

HT03-027



Application no. 10/816,040

IFW

August 31, 2008

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 3729 - Examiner: Tugbang, Anthony D.

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/816,040
File Date: 04/01/04
Inventor: Glen Garfunkel
Examiner: Tugbang, Anthony D.
Art Unit: 3729
Title: SIDE PINNED MAGNETIC RECORDING SENSOR

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated 07/31/2008. In that office action, restriction was required to one of the following Inventions under 35 U.S.C. 121:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on September 2, 2008.

Signature 
Stephen B. Ackerman, Reg. No. 37,761

Date: 9/2/08

The inventions stated are:

I – Claims 1-3, drawn to depositing a layer of magnetic material, classified in class 29, subclass 603.13, and

II – Claims 4-6, drawn to magnetizing a layer of magnetic material, classified in class 29, subclass 603.08.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I – Claims 1-3, drawn to a process, classified in Class 29, subclass 603.03. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action.

The Examiner states that inventions I and II are unrelated, and that inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP 806.04, MPEP 808.01), and that in the instant case the materially different designs. However, upon reading the Invention II Claims against the Claims of Invention I, it can be seen that Invention II claims "a method to form a magnetically pinned layer", and that Invention I has similar claims, necessarily cover both Group I class/subclass 29/603.13 and Group II class/subclass 29/603.08, in addition to other related complete

and adequate search. The fields of search for Groups I and II are clearly and necessarily co-extensive.

Finally, it is respectfully suggested that these reasons are insufficient to place the cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,


Stephen B. Ackerman, Reg. No. 37,761